



ROUNDTABLE SESSIONS:

- ▶ The *Garante's* current perspectives and future plans
- ▶ Preparing for the EU Data Protection Regulation in Italy
- ▶ International transfers of personal data
- ▶ Balancing employment law and data protection law
- ▶ Governance of the data protection function
- ▶ Marketing and telemarketing: Gaining consent
- ▶ Data breach notification
- ▶ Enforcement: Inspections by the *Garante* and/or the *Guardia di Finanza* (financial police)

Managing data protection law risks to your business in Italy

Roundtable with the Garante, 24th-25th March 2015, Rome

"It was a great opportunity to meet other data privacy specialists."

JULIA MUELLER, DEUTSCHE BANK

"Very good event with perfect networking possibilities."

BARBARA TOMASI, INVENTIV HEALTH

"Very useful to get DPAs' views."

CHRISTIAN PARDIEU, CE CORPORATE

Register for this event and get more information at
www.privacylaws.com/pon40

10 CPD HOURS

Simultaneous Italian-English and English-Italian interpretation will be provided
Sarà fornita traduzione simultanea inglese-italiano e italiano-inglese

Roundtable Host:

NCTM
Studio Legale Associato

Supported By:



13.30 Registration

14.00 Welcome

Rocco Panetta, Head of Privacy & IT Compliance, NCTM, Rome and Secretary General, Italian Compliance Forum (ICF)

14.05 Introduction

Stewart Dresner, Chief Executive, and *Laura Linkomies*, Editor, *Privacy Laws & Business*

14.15 The Garante's perspective

Augusta Iannini, Vice-President, Garante

14.45 Discussion

15.15 International transfers of personal data

- ▶ The Garante as a lead authority and co-leader for BCR applications
- ▶ What the Garante requires for a successful BCR application. Any additional provisions required for processing?
- ▶ Company experience of applying for a BCR with the Garante as co-leader
- ▶ The Garante's attitude to the EU attempts to reform the US Safe Harbor
- ▶ Is consent a valid basis for international transfers of personal data in some circumstances?
- ▶ The use of the EU's Standard Contractual Clauses for sub-processors in Data Transfer Agreements
Sabina Kirschen, Legal Matters (Private Sector) Department, the Garante
Angelo Monoriti, Lawyer, NCTM, Rome

15.35 Discussion

15.45 Break

16.10 Employment law and data protection law: Balancing management's need for control and workers' rights

- ▶ Control of workers by means, for example, of telephone, e-mail, and computer-based techniques; private use of office equipment, for example, computers and telephones; recent case law in Italy

- ▶ Remote working (telelavoro) – security measures to be adopted by employees to protect business data; remote control of employees' performance.
- ▶ Bring your own device: accessing e-mails via the internet
- ▶ Preventing the loss and misuse of personal data
- ▶ What happens when an employee leaves and takes client data?
- ▶ Surveillance in the work place
- ▶ Geolocation/Video surveillance
This privately owned but public bus service uses video and GPS to track buses, speed and behaviour of drivers and passengers. It is the first example of the Garante's prior checking and prior notification process for use of video and GPS in a workplace. Accepted on basis of proportionate control to monitor behavior. Implications for other sectors.
- ▶ Management's negotiations with labour unions
- ▶ Notification to Garante needed for biometric identification in the work place. How should companies prepare?
- ▶ What the Garante expects in the prior checking process in order to give approval to a process it considers to be risky
- ▶ Reform of labour law and its impact on data protection law
Valentina Gagliardi, Head of Occupational Matters (Private & Public Sectors) Department, the Garante
Avv. Paolo Todaro, Rucellai & Raffaelli, Rome
Alberto Quarti, Data Protection Officer, ATB SpA, Bergamo

16.50 Discussion

17.10 Concluding remarks

Rocco Panetta, Head of Privacy & IT Compliance, NCTM, Rome and Secretary General, Italian Compliance Forum (ICF)
Stewart Dresner, Chief Executive, *Privacy Laws & Business*

17.45 Close

19.30 Dinner, Restaurant, Rome (near NCTM office)

The dinner is included in the Roundtable fee but reservation in advance is necessary.

09.00 Registration and Coffee

09.25 Welcome and Introduction

Rocco Panetta, Head of Privacy & IT Compliance, NCTM, Rome and Secretary General, Italian Compliance Forum (ICF)
Stewart Dresner, Chief Executive, *Privacy Laws & Business*

09.30 Governance of the data protection function

- ▶ Strategic role of Data Protection Officers in companies: The human rights, employment and consumer law context
- ▶ Planning the position of a Data Protection Officer in your organisation: Level of authority, reporting lines, boundaries, skill set, personal qualities
- ▶ Operational context: Legal, compliance, risk, audit, training, certification, qualifications, other responsibilities, communications skills, internal appointment/ external appointment. Requirement to be based in Italy?
- ▶ Ensuring that the Data Protection Officer is consulted on innovations in the organisation, for example, fingerprint identification for access to bank services
Matteo Colombo, President, ASSODPO and CEO, Labor Project, Como, and other company participants' perspectives

10.00 Discussion

10.15 Marketing and telemarketing: Gaining consent for use of personal data

- ▶ Distinction between legitimate marketing and unwanted spam
- ▶ The Garante's decision of 22 May 2014 on the collection and use of personal data from mobile transactions for other purposes (published on 17th June 2014 Doc. 3203981)
- ▶ The Garante's sweep of health related apps – the Garante's next app priority?
- ▶ How to manage opt-outs (operation of opt-out register in Italy)
- ▶ Call centres based outside Italy or outside the European Economic Area. Advance notification to the Garante 120 days before the outsourcing begins (Art. 24 bis Law no. 134/2012)
- ▶ Garante's injunction (20 February 2014) on 'silent calls'
- ▶ Examples of complaints to the Garante leading to inspections and sanctions

- ▶ The Garante's Recommendation for companies offering a Global Positioning System
Lorella Bianchi, Luca Christian Natali, Luana Patti, Olga Sesso Sarti and Silvia Soria, from the Legal Matters (Electronic Networks, Marketing, e-Commerce) Department, the Garante
Fabrizio Vigo, CEO, Consodata, and Chairman, Direct Marketing Association, Italy
Lorenzo Cristofaro, Lawyer, NCTM, Rome

10.45 Discussion

11.10 Coffee

11.30 Data breach notification

- ▶ Compulsory data breach notification for telecommunications companies and Internet Service Providers
- ▶ Data breach notification likely to be included in the EU Data Protection Regulation for all sectors
- ▶ The Garante's instruction to banks (n.192 of 12 May 2011 Section 5)
- ▶ Who is responsible when data breaches occur from an outsourced cloud service?
- ▶ Garante's experience? Case law? Companies' experience? Offering a Global Positioning System
Luigi Montuori, Head of Legal Matters (Electronic Networks, Marketing, e-Commerce) Department, the Garante
Anna Cataleta, Director, Privacy, 3 (the mobile telecom operator), the H3G Group
Andrea Marini, Head of Regulatory Affairs, Vodafone Italia

11.50 Discussion

12.00 Enforcement of the Garante's decisions DP law inspections by the Garante and/or the Guardia di Finanza – Preparing, performing the inspections, and assessing the results

- ▶ Garante inspection alone; Guardia di Finanza alone? By both? Rationale for choice of inspectors. Differences in inspection methods?
- ▶ Advance information – time scale, scope, which staff should be available?
- ▶ Type of inspection staff
- ▶ Powers to demand information. Any exceptions?
- ▶ Requesting information
- ▶ Powers to remove equipment. When? In which circumstances?
- ▶ Timetable for Garante's report to be published. Draft report for publication for advance discussion with the company? Publication of report and other publicity
- ▶ Setting of priorities for inspections by the Garante
- ▶ Role for a 3rd party audit to assess level of compliance in an organisation? If the Garante receives complaints about an organisation, would the Garante sometimes choose a 3rd party audit company to conduct an audit instead of a traditional Garante/Guardia inspection? Would the choice of 3rd party auditor be taken jointly by the organisation and the Garante?

- ▶ Garante's sanctions in different circumstances: Ban on processing, administrative enforcement, notices, fines, refer companies to the judicial authorities
- ▶ Companies and other organisations' perceptions of the Garante's sanctions *Adriano D'Ottavio*, lawyer, NCTM, Rome
- ▶ How companies appeal against the Garante's fines
- ▶ The impact of publicity about the Garante's fines on a company's reputation
Francesco Modafferi, Head of Inspection Department, the Garante
Colonel Luciano Lizzi, Head of the Privacy Squad of Guardia di Finanza (Financial Police)
Adriano D'Ottavio, Lawyer, NCTM, Rome

12.45 Discussion

13.00 Lunch

14.00 Preparing for the EU Data Protection Regulation

- ▶ The current status of the negotiations
- ▶ Preparing for the appointment of a mandatory Data Protection Officer after adoption of the EU Data Protection Regulation: Recruiting the right type of person (not to be covered by Garante)
- ▶ One stop shop/Cooperation between national DP Authorities within the European Economic Area
- ▶ Data portability
- ▶ Right to be forgotten/purpose limitation
- ▶ The potential for collective actions in Italy, supported by a consumer organisation
- ▶ Other issues to be proposed by the participants
Bruno Gencarelli, Head of the Data Protection Unit, Directorate-General Justice and Consumers, European Commission, Brussels
Allegra Migliorini, Chair of the EU Council of Ministers DP Regulation (DAPIX) Committee under Italy's EU Presidency; and Magistrate attached to Judicial Cooperation Office (General Directorate for Criminal Justice), the Ministry of Justice, Rome
Antonio Caselli, EU and International Developments Unit, the Garante
Luca Bolognini, Founding Partner, ICT Legal Consulting, Rome and President, Istituto Italiano per la Privacy (IIP), Italian Institute for Privacy
Marco Bassini, Fellow, PhD Researcher in EU Constitutional Law, University of Verona

15.00 Discussion

15.30 Break

15.50 Discussion (continued)

16.40 Concluding remarks

- Rocco Panetta*, Head of Privacy & IT Compliance, NCTM, Rome and Secretary General, Italian Compliance Forum (ICF)
- Stewart Dresner*, Chief Executive, *Privacy Laws & Business*

16.45 Close

Note: It may not be possible for the speakers to cover all points listed. However, the audience is welcome to ask questions on any point on the programme.

Previous Privacy Officer Network Roundtables

- ▶ Madrid, Spain
- ▶ Rome, Italy
- ▶ Czech Republic, Hungary and Poland in Prague
- ▶ Paris, France
- ▶ Argentina's Commissioner in Montreux, Switzerland
- ▶ Australia's Commissioner in Montreux, Switzerland
- ▶ Berlin, Frankfurt and Munich, Germany
- ▶ Dublin, Ireland
- ▶ Greece and Portugal in London
- ▶ Russia's new law, London
- ▶ Stockholm, Sweden
- ▶ Helsinki, Finland
- ▶ Brussels, Belgium
- ▶ The Hague, Netherlands
- ▶ Luxembourg
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- ▶ Zurich, Switzerland
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- ▶ Lisbon, Portugal
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- ▶ Asia-Pacific Conference, Strasbourg
- ▶ Asia Pacific Roundtable, London

About Privacy Laws & Business

Privacy Laws & Business has been providing data protection newsletters, conferences, advice and consultancy, privacy laws audits, and in-house training since 1987. The *Privacy Laws & Business* team works in a co-operative spirit with Privacy Commissioners worldwide and privacy policy staff in international organisations.

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Event Registration

Italy Roundtable 24th/25th March, 2015, Rome

- I am a Privacy Officers Network member (fee paid)
- Standard Roundtable Fee **£900/€1,200**
- Extra person from the same organisation **£500/€680**
- Briefing Paper/Slides (for non-participants) **£150/€200 + 20% VAT** (for UK-based orders only)
- Annual Privacy Officers Network Membership**
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